



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 14 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John J. George
Registered Agent
International Property Developers North America, Inc
180 N. Stetson Ave., Suite 3700
Chicago, Illinois 60601-6701

Kimberly Matley-Threat, Project Development Executive
International Property Developers North America, Inc.
Old Post Office
404 West Harrison Street
Chicago, Illinois 60607

Re: Administrative Order EPA-5-16-113(a)-IL-6

Dear Mr. George and Ms. Matley-Threat,

Enclosed is an executed original of the Administrative Order regarding the above captioned case. If you have any questions about the Order, please contact Alexandra Letuchy of my staff at (312) 886-6035.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Marshall".

Sarah Marshall
Chief
Air Enforcement and Compliance Assurance Section (MI/WI)

Enclosure:

cc: Eric Jones, Illinois EPA
Judy Frydland, Chicago Department of Buildings

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
International Property Developers North America, Inc.)	ADMINISTRATIVE ORDER
)	EPA-5-16-113(a)-IL-6
Proceeding Under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3))	

Administrative Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Administrative Order (Order) to International Property Developers North America, Inc. (IPD) under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

Statutory Authority

2. The Administrator of EPA may require any person who is subject to any requirement of the Act to provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

3. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating any requirement of an information request issued under Section 114 of the Act (Section 114 Request). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

4. IPD owns and operate a building with deeded air rights above Union Station's train platforms or the train lines leading to Union Station.

5. Section 114(a)(1)(G) of the Act, 42 U.S.C. § 7414(a)(1)(G), provides in pertinent part:

[f]or the purposes of . . . carrying out any provision of this chapter. . . (1) the Administrator may require any person. . . who the Administrator believes may have information necessary for the purposes set forth in this subsection. . . [to] (G) provide such other information as the Administrator may reasonably require.

6. IPD has information EPA believes is necessary for the purposes set forth in subchapter I of the Act as those terms are used at Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

7. On November 2, 2015, the Director of the Air and Radiation Division issued a Section 114 Request to IPD. Exhibit 1 of this Order is a copy of the Section 114 Request.

8. The information requested in EPA's November 2, 2015 Section 114 Request sought readily available information that is reasonably related to IPD's operation of ventilation systems that affect air quality at the Union Station's train platforms.

9. The Section 114 Request required IPD to provide all requested information within 14 calendar days after IPD received the Section 114 Request.

10. IPD received the Section 114 Request on November 9, 2015.

11. On December 14, 2015, IPD received a follow-up letter from EPA notifying IPD that it had failed to respond to the Section 114 Request.

12. IPD violated the terms of the Section 114 Request and Section 114 of the Act by failing to respond to EPA's Request by November 23, 2015. As of the date of the issuance of this Order, EPA still has not received a response to its November 2, 2015, Section 114 Request.

20. The terms of this Order are binding on IPD, its assignees and successors. IPD must give notice of this Order to any successors in interest, prior to transferring ownership and must simultaneously verify to EPA, at the above address, that IPD has given the notice.

21. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please provide your response to this Order without staples. Paper clips and binder clips are acceptable.

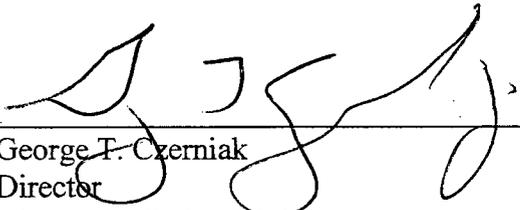
22. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

23. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an order shall not take effect until the person to whom it is issued has had an opportunity to confer with EPA about the alleged violation. Therefore, EPA is giving IPD an opportunity to confer with EPA concerning this Order. IPD may schedule a conference with EPA by calling Alexandra Letuchy at 312.886.6035 within 10 days of IPD's receipt of this Order.

24. This Order is effective 5 days after a timely scheduled conference, or 10 days after IPD's receipt of this Order if no conference is scheduled.

1/4/16

Date



George T. Czerniak
Director
Air and Radiation Division

Enclosures

Compliance Program

13. IPD must comply with all requirements of the Section 114 Request. Specifically, IPD must provide all information requested in the Section 114 Request within 20 days of the effective date of this Order (see paragraph 22 below).

14. IPD must send all reports required by this Order to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

And submit to electronic mail to
letuchy.alexandra@epa.gov and mcauliffe.mary@epa.gov

General Provisions

15. Respondent may seek federal judicial review of this Order pursuant to Section 307(b)(1) of the Act, 42 U.S.C. § 7607(b)(1).

16. This Order does not affect IPD's responsibility to comply with other local, state and federal laws and regulations.

17. This Order does not restrict EPA's authority to enforce Section 114 of the Act, or any other section of the Act.

18. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for IPD's violations of the Section 114 Request.

19. Failure to comply with this Order may subject IPD's to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Order, EPA-5-16-113(a)-IL-6, by

Certified Mail, Return Receipt Requested, to:

John J. George, Registered Agent
International Property Developers North America, Inc.
Old Post Office
404 West Harrison Street
Chicago, Illinois 60607

Kimberly Matley-Threat, Project Development Executive
International Property Developers North America, Inc.
Old Post Office
404 West Harrison Street
Chicago, Illinois 60607

7014 2870 0001 9581 4427

I also certify that I sent a copy of the Administrative Order, EPA-5-16-113(a)-IL-6, by

First-Class Mail to:

Eric Jones, Manager
Bureau of Air, Compliance and
Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

Judy Frydland
Acting Commissioner
Chicago Department of Buildings
City Hall
121 N. LaSalle Street
Chicago, Illinois 60602

On the 15th day of January 2016.


for Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7014-2870-0001-9581-4410

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Old Post Office
404 West Harrison Street
Chicago, Illinois 60607**

ATTENTION:

**John J. George, Registered Agent
International Property Developers North America, Inc.**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Old Post Office (you) to submit certain information about the facility at 404 West Harrison Street, Chicago, Illinois. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule outlined in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

The Old Post Office owns and operates a building with deeded air rights above Union Station's train platforms or the train lines leading to Union Station. We are requesting this information in accordance with Section 114(a) of the Clean Air Act.

The Old Post Office must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

and submit by electronic mail to Letuchy.alexandra@epa.gov and
McAuliffe.mary@epa.gov.

The Old Post Office must submit all required information under an authorized signature.

with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

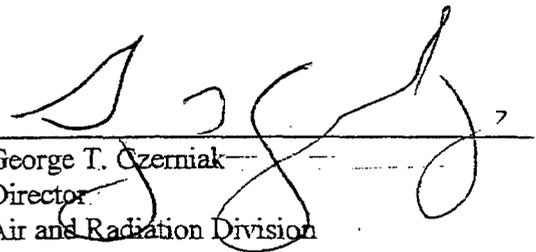
Failure to comply fully with this information request may subject you to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Alexandra Letuchy at (312) 886-6035 or Letuchy.alexandra@epa.gov.

Date

11/2/15

George T. Czerniak
Director
Air and Radiation Division



cc: Kimberly Matley-Threat, Project Development Executive
International Property Developers North America, Inc.

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

The Old Post Office shall respond to this information request pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) within 14 calendar days of its receipt of this letter.

1. Describe the portion of your building's air ventilation system that affects air space above the Union Station train tracks (hereafter, referred to as "your building's air ventilation system"), including the number of plenums and fans.
2. Provide diagrams of the portion of your building's air ventilation system.
3. Provide all design documents related to your building's air ventilation system, including, but not limited to:
 - a. the amount of total volumetric airflow (acfm) designed to move through your building's ventilation;
 - b. the amount of volumetric airflow (acfm) designed to move through each fan/duct/plenum; and
 - c. documents related to how the required/design volumetric airflow was determined.
4. Provide all documents, related to all studies, inspections, or evaluations conducted or attempted for any reason at the facility from January 2005 to the present, associated with the building's air ventilation system, including, but not limited to:
 - a. Inspections;
 - b. Ventilation studies or evaluations;
 - c. System improvements implemented based on findings of any study, inspection or evaluation;
 - d. Performance of the ventilation system (including total volumetric airflow measurements (acfm) and fan/duct/plenum volumetric airflow (acfm), fan performance);
 - e. Measurement of emissions to the atmosphere;
 - f. Indoor air quality measurements;
 - g. Maintenance records; and
 - h. Commissioning reports.

5. Provide a description of the operation and maintenance of your building's air ventilation, including how performance of the ventilation system is monitored and what records are maintained to ensure operational and maintenance requirements are met. Include, all documents related to operation and maintenance of your building's air ventilation system, including, but not limited to:
 - a. Fans operating schedules, fan speed and whether it can be modified, operation of back up fans; and
 - b. Operating manuals, standard operating procedures, preventative maintenance plans, operating schedules, and maintenance schedules.
6. Provide a description of the makeup air system and a description of how air is recirculated within the building.
7. Provide a description of the air filtration within the system, before the air is recirculated or exhausted.
8. Identify and provide a copy of any current legal obligations that relate to or pertain to air rights or ventilation requirements, including but not limited to any deed, settlement document, or other legal document.
9. For any Request above, identify the contact name and address of any individuals or entities who may have any responsive information that is not provided to EPA in your response.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?—
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Request to Provide

Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

John J. George
Registered Agent
International Property Developers North
America, Inc
180 N. Stetson Ave., Suite 3700
Chicago, Illinois 60601-6701

Kimberly Matley-Threat, Project Development Executive
International Property Developers North America, Inc.
Old Post Office
404 West Harrison Street
Chicago, Illinois 60607
Kimberly@ipdamerica.com

7014 2870 0001 9581 4489

I also certify that I sent a copy of the Request to Provide Information Pursuant to the

Clean Air Act by First-Class Mail to:

Eric Jones, Manager
Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

On the 03 day of November 2015.

Kathy Jones
for Loretta Shaffer
Program Technician
ABCAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7014 2870 0001 9581 4366